

REMARKS

New Claim 12 is added herein. Support for Claim 12 can be found, for example, on page 3 of the specification, lines 19-21. Upon entry of the amendment, Claims 1-2 and 4-12 are all the claims pending in the application.

Response to the Rejection of Claims 1-2 and 4-11 under 35 U.S.C. § 102(e)

Claims 1-2 and 4-11 are rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over U.S. Patent No. 6,447,958 to Shinohara et al (“Shinohara”).

It is the Examiner’s position that the “particle coating” of Shinohara is a layer which functions as both a shut-down layer and a spacer. The Examiner also asserted that “[u]nless Applicant can demonstrate a structural difference between the spacer claimed and the shut-down layer of Shinohara, the reference remains anticipatory.” *See*, page 5 of the Office Action dated January 11, 2005.

In response, Applicants respectfully assert that the presently claimed separator is not anticipated by Shinohara because the claimed separator is structurally different from the separator of Shinohara.

Applicants note that in the presently claimed invention, a shut-down layer, a heat resistant microporous layer and a spacer are present on the surface of the claimed separator. Thus, in the present invention, the shut-down layer and the spacer are separate and distinct layers.

In contrast, Shinohara teaches a single particle coating (*i.e.*, layer). In other words, Shinohara does not teach a separator comprising a shut-down layer that is separate from a spacer.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. APPLN. 09/940,474

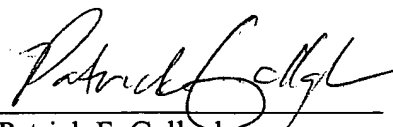
Since Shinohara fails to teach the claimed configuration of a shut-down layer, a heat resistant microporous layer and a spacer, Applicants submit that the presently claimed invention is not rendered obvious by Shinohara. Accordingly, Applicants request that the rejection of Claims 1-2 and 4-11 be reconsidered and withdrawn.

Regarding new Claim 12, Applicants submit that Claim 12 is patentable over Shinohara for the same reasons that Claims 1-2 and 4-11 are patentable over Shinohara. Applicants further submit that Shinohara provides no suggestion of arranging the shut-down layer, the heat resistant microporous layer and the spacer in the order recited in claim 12.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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